

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 SAB-02 DOTE-00 ACDA-12 SSO-00
NSCE-00 USIE-00 INRE-00 CIAE-00 DODE-00 PM-05
H-01 INR-07 NSAE-00 PA-01 PRS-01 SP-02 SS-15
TRSE-00 /060 W
-----031593 291551Z /50/61

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 5453
INFO AMEMBASSY PANAMA

C O N F I D E N T I A L BOGOTA 12043

C O R R E C T E D C O P Y PARA NBRD 3.

EO 11652: GDS
TAGS: PBOR, PN, CO
SUBJ: EFFECT OF PANAMA CANAL TREATIES ON 1914 THOMPSON-
URRUTIA TREATY

REF: A) COX-JOHNSTON TELECON DEC 22, B) BOGOTA 11776

1. PER REF A POL COUNSELOR INFORMED JULIO LONDONO, CHIEF OF FRONTIERS DIVISION, FOREIGN MINISTRY, THAT PORTION OF LANGUAGE SUGGESTED BY GOC, WHICH REFERRED TO "AGREEMENT ANTICIPATED" BETWEEN COLOMBIA AND PANAMA (REF B), GAVE USG PROBLEMS. POL COUNSELOR EXPLAINED THAT USG WOULD NO LONGER HAVE AUTHORITY OVER THE CANAL AFTER CANAL TREATIES RATIFICATION INSTRUMENTS ARE EXCHANGED AND DECEMBER 31, 1999.

2. IN FURTHER TALKS WITH LONDONO, WHO CONSULTED REGULARLY WITH FORMIN LIEVANO, IT BECAME CLEAR THAT THE COLOMBIANS BELIEVE THAT COLOMBIA'S RIGHTS UNDER THE THOMPSON-URRUTIA TREATY WILL REMAIN IN FORCE EVEN AFTER PANAMA ASSUMES RESPONSIBILITY FOR OPERATING THE CANAL, AND AT THE VERY LEAST WANT TO AVOID A STATEMENT TO THE CONTRARY. **THUS, CONFIDENTIAL**

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LONDONO FURTHER PROPOSED, AFTER CONSULTING WITH LIEVANO, THAT USG NOTE SHOULD CONTAIN LANGUAGE WHICH WOULD "GUARANTEE PASSAGE OF COLOMBIAN SHIPS THROUGH THE CANAL FREE OF TAXES AND TOLLS AFTER 1999, IN THE EVENT THAT A PANAMA-COLOMBIAN TREATY GUARANTEEING COLOMBIA'S CANAL RIGHTS SHOULD NOT COME INTO EFFECT, WITHOUT AFFECTING PANAMA'S SOVEREIGNTY." LONDONO EXPLAINED THAT IN PRACTICE THIS WOULD INVOLVE USG PAYING SUCH

TAXES OR TOLLS, EITHER DIRECTLY TO PANAMA OR BY REIMBURSING COLOMBIA. LONDONO CLAIMED THAT THIS WOULD ALMOST CERTAINLY NOT BECOME NECESSARY, SINCE PANAMA HAD STATED ITS COMPLETE WILLINGNESS TO SIGN A TREATY WITH COLOMBIA WHICH WOULD CONTINUE COLOMBIA'S TRANSIT RIGHTS. POL COUNSELOR TOLD LONDONO THAT USG WOULD PROBABLY HAVE CONSIDERABLE DIFFICULTY SUBSCRIBING TO A THESIS WHICH EVEN THEORETICALLY COMMITTED IT TO MAKE SUCH PAYMENTS.

3. LONDONO SUBSEQUENTLY CONTACTED POL COUNSELOR AND PROPOSED A NEW FORMULA. THIS WOULD INVOLVE DELETING FROM TEXT OF NOTE PROPOSED BY THE DEPARTMENT (STATE 299437) THE SENTENCE BEGINNING "ALTHOUGH THE THOMPSON-URRUTIA TREATY WILL HAVE NO FURTHER FORCE OR EFFECT AFTER THAT TIME..." AND SUBSTITUTING FOR IT THE FOLLOWING "FOLLOWING THAT DATE, THE RIGHTS OF TRANSIT OF COLOMBIA THROUGH THE PANAMA CANAL WILL CONTINUE TO BE ASSURED BY THE TREATY WHICH IS TO BE SIGNED BY COLOMBIA AND PANAMA." THERE WAS CONSIDERABLE DISCUSSION OF THE PHRASE "WHICH IS TO BE SIGNED", LONDONO INSISTING ON MORE DEFINITE PHRASEOLOGY THAN THAT APPEARING IN PARA 2, ARTICLE VI OF THE TREATY ON NEUTRALITY, WHICH STATES THAT PANAMA "MAY PROVIDE" COLOMBIA WITH THE RIGHT OF TOLL FREE TRANSIT.

4. THE FOREIGN MINISTER HAS CONTINUED TO INDICATE HIS INTEREST IN COMPLETING THE EXCHANGE OF NOTES AS SOON AS POSSIBLE. WE SUSPECT THIS MAY BE BECAUSE PRESIDENT LOPEZ WANTS TO INCLUDE
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THIS TOPIC IN HIS NEW YEAR'S ADDRESS TO THE NATION. WE WOULD THEREFORE APPRECIATE THE DEPARTMENT'S PROMPT RESPONSE TO THE PROPOSED LANGUAGE IN PARA 3, ABOVE.
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Sent Date: 28-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Case Number: n/a
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Disposition Date: 22 May 2009
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